



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Banavar et al.

Group Art Unit: 2664

Serial No.: 09/281,421

Examiner: Ho, Chuong T.

Filed: 03/30/99

Appeal No.:

Title: MESSAGE LOGGING FOR RELIABLE MULTICASTING  
ACROSS A ROUTING NETWORK

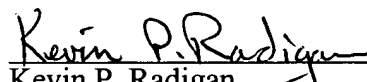
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Date of Signature: October 07, 2004

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Appellant's Reply Brief

Dear Sir:

This Reply Brief is being timely filed in triplicate pursuant to 37 C.F.R. §1.193(b) in rebuttal to certain characterizations and conclusions set forth in the Examiner's Answer mailed August 10, 2004, for the above-designated appeal.

### Remarks

Appellants acknowledge the new citation to Col. 6, lines 58-67 of Marco discussed extensively in the Examiner's Response to Argument portion of the Examiner's Answer at pages 9-13. The following comments are offered in rebuttal to certain conclusions drawn from the cited language of Marco.

Column 6, lines 58-67 of Marco state:

Several different procedures may be implemented to account for possible failures on the hop. In one embodiment, the path is made reliable. This may involve, for example, using the reliability mechanism associated with TCP, HDLC (in its reliable mode) or PPP (in its reliable mode). In another embodiment, once the component on the receiving end of the path determined that the original packet was never received, a message is sent to the component on the originating side of the path to request transmission of the entire packet, rather than the retransmission packet.

As noted at pages 9-13 of the Examiner's Answer, these lines of Marco discuss the possibility of making a path reliable. However, Appellants strenuously traverse the Examiner's characterization at page 12 that these lines teach or suggest to one skilled in the art resiliency within an environment wherein a message is received and routed to multiple clients of the network, based on data content of the message and irrespective of any destination information within the message.

A careful reading of Marco fails to uncover any discussion of Appellants' recited concept of routing a message to multiple clients of a network as recited in the independent claims. To the extent discussing resiliency at Col. 6, Marco is discussing a point-to-point environment wherein there may be failures on a hop interconnecting two routers. The referenced TCP, HDLC (in reliable mode) or PPP (in reliable mode) protocols, as well as the component on the receiving end of a path determining that the original packet was never received and sending a message to the originating site of the path to request transmission of the packet, are each applicable only to a

point-to-point environment such as described by Marco. TCP, HDLC and PPP are well known point-to-point processing protocols for handling a message. These protocols are not applicable to an environment wherein a message is routed as recited by Appellants in the independent claims (i.e., that a received message is routed to multiple clients of the network, wherein the routing is based on data content of the message irrespective of any destination information within the message). Further, the alternate embodiment wherein a component at the receiving end of a path determines that the original packet was never received and sends a transmit request to a component at the originating side of the path would not work in an environment wherein a message is being forwarded to multiple clients of a network and the routing is based on data content of the message irrespective of any destination information within the message. In this setting, the number of clients receiving the message is not known by any component at the originating side of the path. Using the approaches described at Col. 6 of Marco, it would be impossible for a component at the originating side of the path to determine when all clients had received the message and thus to determine when resiliency has actually been achieved for a given message.

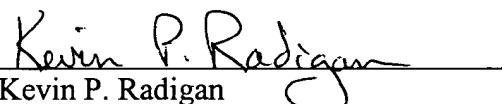
Thus, Appellants respectfully submit that Col. 6, lines 58-67 of Marco do not teach resilient routing of a message to multiple clients of a network, wherein the routing is based on data content of the message irrespective of any destination information within the message. The resiliency referenced by Marco is point-to-point only, i.e., discussing the possibility of failures on a hop. There is no suggestion that a message in Marco can be forwarded from one to many clients of the network. Since the point-to-point resiliency of Marco occurs in a significantly different environment than that recited by Appellants, there is no suggestion in Marco how to implement resiliency in a routing approach such as recited by Appellants in the independent claims. Again, the Examiner's Answer admits that Chandra and Bracho are both silent as to disclosing routing of messages to multiple clients of a network, wherein the routing is resilient to router or link failure within the network without loss of the message. For an alleged teaching of this concept, the Examiner's Answer relies upon Marco, which is believed deficient for the reasons noted above.

Additionally, Appellants continue to traverse the combinability of Marco with either Chandra or Bracho. Marco discusses optimizing retransmission of a packet and providing resiliency within a point-to-point network. In contrast, Chandra and Bracho each teach routing of messages to multiple clients in a network (i.e., one-to-many routing), and that the routing is based on data content of the message irrespective of any destination information within the message. One of ordinary skill in the art could not combine the point-to-point teachings of Marco with either Chandra or Bracho given the unique issues and problems associated with the particular one-to-many routing of a message such as disclosed by Appellants. The point-to-point resiliency discussed in Marco simply does not apply to an environment where a message is being routed to many clients and wherein the routing is based on data content of the message irrespective of any destination information within the message. One skilled in the art of communications protocol would not know how to do a reliable one-to-many routing of a message as recited by Appellants given the teachings of Marco.

In evaluating claimed subject matter as a whole, the Federal Circuit has directed that functional claim language be considered in evaluating a claim relative to the prior art. Appellants respectfully submit that the application of this standard to their independent claims leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based on the teachings of Chandra, Bracho, and Marco.

For the above-stated reasons, Appellants respectfully request reversal of all rejections.

Respectfully submitted,

  
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